

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

KELSEA SVOCHAK, as next of friend of K.S., Plaintiff,	§ § § § § § § § § §	CIVIL ACTION NO. 4:23-CV-270-BJ
v.		
GRAPEVINE-COLLEYVILLE ISD, Defendant.		

ORDER DENYING DEFENDANT’S MOTION FOR SANCTIONS

Pending before the Court is Defendant Grapevine-Colleyville ISD’s Motion for Sanctions [doc. 16], filed June 27, 2023. Having carefully reviewed the motion and response,¹ the Court concludes that Defendant’s Motion for Sanctions should be **DENIED**.

In the Motion for Sanctions, Defendant requests that the Court sanction Plaintiff for failing to appear in person at the Court ordered formal settlement conference as required in the Court’s April 26, 2023 scheduling order. In her response, Plaintiff claims that, although Plaintiff was unable to attend the formal settlement conference in person, Plaintiff “was available to her attorney


¹ Defendant filed its Motion for Sanctions on June 27, 2023, which made Plaintiff’s response to the motion due July 18, 2023. *See* Local Civil Rule 7.1(e) (“A response and brief to an opposed motion must be filed within 21 days from the date the motion is filed.”). When Plaintiff failed to file a response, the Court, in an Order to Show Cause dated August 7, 2023, ordered Plaintiff to, no later than August 14, 2023, show cause in writing as to why Plaintiff failed to respond to Defendant’s motion for sanctions and why Plaintiff failed to comply with the Court’s June 14, 2023 order requiring Plaintiff to file a response to Defendant’s Motion to Dismiss. Plaintiff filed a response to the show cause order on August 14, 2023 and included, *inter alia*, her response to Defendant’s Motion for Sanctions.

While not applicable to Defendant’s Motion for Sanctions, the Court notes that a portion of Plaintiff’s response to the Court’s August 7, 2023 Show Cause Order set forth why reasons why Plaintiff failed to respond to the Court’s June 14, 2023 Order requiring Plaintiff to file a response to Defendant’s motion to dismiss. The Court finds that some the reasons given by Plaintiff for her failure lacked all credibility. Specifically, Plaintiff’s argument that the Court’s June 14, 2023 Order requiring Plaintiff to file a response to Defendant’s motion to dismiss gave “Plaintiff the option of filing a response to Defendant’s Motion to Dismiss by including the phrase ‘if any’ in the order” is nonsensical and not credible. (*See* Plaintiff’s Resp. at 7.) It is clear that the phrase “if any” in the June 14, 2023 order only applied to Defendant’s reply. The Court notes that will not entertain such non-sensical arguments in the future and will sanction Plaintiff appropriately.

throughout the entire conference.” (Plaintiff’s Response to Order to Show Cause and Response and Brief to Defendant’s Motion for Sanctions (“Pl.’s Resp.”) at 2-3.) While the Court does not condone Plaintiff’s multiple failures in handling her case up to this point, the Court concludes that it will not sanction Plaintiff for this conduct on this instance. The Court notes, however, that Plaintiff is responsible for following the Court’s orders and understanding the processes involved in suing a Defendant in federal court. The Court will not excuse similar conduct from Plaintiff in the future.

Based on the foregoing, it is **ORDERED** that Defendant’s Motion for Sanctions [doc. 16] is **DENIED** as set forth above.

SIGNED August 24, 2023.



JEFFREY L. CURETON
UNITED STATES MAGISTRATE JUDGE